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PATENTS

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of: **Eritja et al.**

Docket No. 03038-0202 (42892-265833)


Application No.: **10/055,732**Filed: **January 22, 2002**For: **Compositions And Methods For Synthesis
And Use Of Novel Nucleic Acid Structures****RESPONSE TO NOTICE TO FILE MISSING PARTS – FILING DATE GRANTED**Assistant Commissioner for Patents
Box Sequence, P.O. Box 2327
Arlington, VA 22202
Sir:

Transmitted herewith are papers in the above-identified application.

- ☒ Formalities Letter – Notice to File Missing Parts of NonProvisional Application – Filing Date Granted.
- ☒ Response to Notice to File Missing Parts And Preliminary Amendment (includes Sequence Listing - paper copy and computer readable form).
- ☒ Declaration and Power of Attorney.
- ☒ Petition for Extension of Time Under 37 C.F.R. § 1.136 (and \$720.00 check).
- ☒ Supplemental Preliminary Amendment (includes Substitute Specification - Marked-up Version and Clean Version).
- ☒ Applicant claims small entity status.
- ☒ The additional fee is calculated as shown below.

FOR:	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE			\$370	\$370	\$740	
TOTAL CLAIMS	8 - 20 =	0	x9 =	0	x18 =	
INDEP. CLAIMS	1- 3 =	0	x42 =	0	x84 =	
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+140 =		+280 =	
<input type="checkbox"/> LATE-FILING SURCHARGE			+65 =	\$65	+130 =	
<input type="checkbox"/> FOREIGN LANGUAGE SURCHARGE			+130 =		+130 =	
<input type="checkbox"/> OTHER					+435 =	
			TOTAL	\$435	TOTAL	

- ☒ A check in the amount of **\$435.00** is attached for basic and late filing surcharge; and a check in the amount of **\$720.00** for four-month extension of time is attached.

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an envelope
addressed to: Assistant Commissioner for Patents, Box Sequence,
P.O. Box 2327, Arlington, VA 22202, on **August 21, 2002**.
Jeffery E. ArnoldKILPATRICK STOCKTON LLP
1100 Peachtree Street - Suite 2800
Atlanta, Georgia 30309-4530
Telephone: **404/815-6500**By: 
Jeffery E. Arnold - Attorney for Applicant
Reg. No. 39,540



Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Eritja et al.**

Application No. **10/055,732**

Filed: **January 22, 2002**

For: **Compositions And Methods For Synthesis
And Use Of Novel Nucleic Acid Structures**

Art Unit: 1645

#6/Seq. 1A

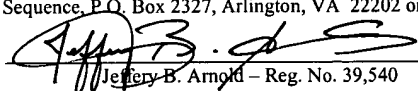
**RESPONSE TO NOTICE TO FILE MISSING PARTS AND
PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents
Box Sequence, P.O. Box 2327
Arlington, VA 22202

Sir:

In response to the Notice to File Missing Parts mailed on February 25, 2002, a six-month period of response which expires on August 26, 2002, Applicants submit herewith a copy of the Notice to File Missing Parts, an executed Declaration And Power Of Attorney, a check in the amount of \$435.00 for the basic filing fee and surcharge, an initial paper copy and an initial Computer Readable Form of the Sequence Listing which comprises nucleotide and amino acid sequences contained in the application as originally filed, and a Supplemental Preliminary Amendment. A Petition for Extension of Time and a check in the amount of \$720.00 for the four-months extension fee is enclosed. Pursuant to 37 C.F.R. § 1.821(e) and (f), the Sequence Listing contained in the paper copy as well as the Computer Readable Form contains no new subject matter and the paper copy and the Computer Readable Form are the same.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202 on August 21, 2002.


Jeffrey B. Arnold - Reg. No. 39,540

IN THE SPECIFICATION

Please insert pages 1 through 12 which contain the Sequence Listing behind the Abstract of the application.

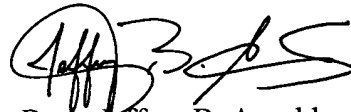
IN THE DECLARATION

Enclosed is a Declaration And Power Of Attorney executed by co-inventors Ramón Eritja and Ramón Güimil García. Although Christian C. Oste's name appears on the Declaration And Power Of Attorney, it has been determined that he is not a co-inventor of the above-identified application. Accordingly, Christian C. Oste's signature does not appear on the Declaration And Power Of Attorney. Applicants request that the Declaration And Power Of Attorney be accepted and that Ramón Eritja and Ramón Güimil García be identified as the inventors of the above-identified application.

CONCLUSION

Early and favorable consideration is earnestly solicited. If the Examiner believes any informalities remain in the application that may be corrected by Examiner's amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney is earnestly solicited.

Respectfully submitted,



By: Jeffery B. Arnold
Reg. No. 39,540

KILPATRICK STOCKTON LLP
1100 Peachtree Street
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Our Docket: 03038-0202 (42892-265833)

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/055,732	01/22/2002	Ramon Eritja	03038-0202 (42892-265833)

23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309



CONFIRMATION NO. 6208

FORMALITIES LETTER



OC000000007524839

Date Mailed: 02/25/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/29/2002 MBIZUNES 00000036 10055732

01 FC:201
02 FC:205

370.00 OP
65.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 435.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE